



## FAIR POLITICAL PRACTICES COMMISSION

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June 9, 2004

Kimberly M. Rodrigues, CMC  
City of San Buenaventura  
Post Office Box 99  
Ventura, CA 93002-0099

**Re: Your Request for Advice  
Our File No. A-04-117**

Dear Ms. Rodrigues:

This letter is in response to your request on behalf of the City of San Buenaventura for advice regarding the campaign provisions of the Political Reform Act (the "Act").<sup>1</sup>

### QUESTIONS

1. Is the city clerk's office for the City of San Buenaventura required to redact the street name, building numbers and bank account information from the campaign disclosure statements required to be filed with your office and subsequently posted to the Internet via the city's web page?
2. If a person has viewed the online version of a statement and requests a copy, may you provide an exact copy of the original without redaction?
3. If a person requests a copy of a statement by e-mail, may you e-mail an exact copy of the original without redaction?
4. If a person requests an electronic copy of a statement be downloaded to a diskette or CD-ROM, may you provide an exact copy of the original without redaction?

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<sup>1</sup> Government Code sections 81000 – 91014. Commission regulations appear at Title 2, sections 18109-18997, of the California Code of Regulations.

## CONCLUSIONS

1. The Political Reform Act does not require local filing officers to post any campaign disclosure statements on the Internet. With respect to paper filings, the city clerk's office for the City of San Buenaventura may not redact information required to be filed with your office under the provisions of the Act.

2.- 4. Yes, you must provide exact copies as required by section 81008.

## FACTS

As a local agency, you are aware that campaign disclosure statements filed with the city clerk's office are public records open for public inspection and reproduction during regular business hours. As part of your efforts to readily provide information to the public, your office has scanned and posted the aforementioned campaign disclosure statements to your city's web site for public review.

It has been brought to your attention that Government Code section 84602(d) may require that the data made available on the Internet shall not contain the street name or building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this title.

The San Buenaventura Office of the City Clerk is not redacting any information on the campaign disclosure statements which are posted to the city's web site. It is your understanding that a copy of the original campaign disclosure statement may be provided upon request to a person who visits the public counter. However, in accordance with Government Code section 84602(d), if a campaign disclosure statement is scanned and posted to the Internet, the street names and building numbers, including any bank account numbers, may need to be redacted from the entire statement.

## ANALYSIS

Campaign statements are required to be filed with the city clerk as provided in § 84215(e).

The contents of campaign statements filed with your office are set forth in section 84211. Sections 85200 and 85201 also require certain bank account information to be filed with your office by candidates for city elective offices.

Section 81008(a) provides:

“Every report and statement filed pursuant to this title is a public record open for public inspection and reproduction during regular business hours, commencing as soon as practicable, but in any event not later than the second business day following the day on which it was received. No conditions whatsoever shall be imposed upon persons desiring to inspect

or reproduce reports and statements filed under this title, nor shall any information or identification be required from such persons. Copies shall be provided at a charge not to exceed ten cents (\$0.10) per page. In addition, the filing officer may charge a retrieval fee not to exceed five dollars (\$5) per request for copies of reports and statements which are five or more years old. A request for more than one report or statement or report and statement at the same time shall be considered a single request. (b) Campaign statements shall be open for public inspection and reproduction from 9:00 a.m. to 5:00 p.m. on the Saturday preceding an election held on the first Tuesday after the first Monday in June or November in even-numbered years in the offices of Secretary of State, Registrar-Recorder of Los Angeles County, Registrar of Voters of San Diego County and Registrar of Voters of the City and County of San Francisco.”

Beginning with § 84600, the PRA requires electronic filing of state candidate statements, etc. Specifically, section 84602 provides:

“To implement the Legislature’s intent, *the Secretary of State*, in consultation with the commission, notwithstanding any other provision of this title or any other provision of the Government Code, shall do all of the following:

¶...¶

“(d) Make all the data filed available on the Internet in an easily understood format that provides the greatest public access. The data shall be made available free of charge and as soon as possible after receipt. All late contribution and late independent expenditure reports, as defined by Sections 84203 and 84204, respectively, shall be made available on the Internet within 24 hours of receipt. The data made available on the Internet shall not contain the street name and building number of the persons or entity representatives listed on the electronically filed forms or any bank account number required to be disclosed pursuant to this title.”  
[Emphasis added.]

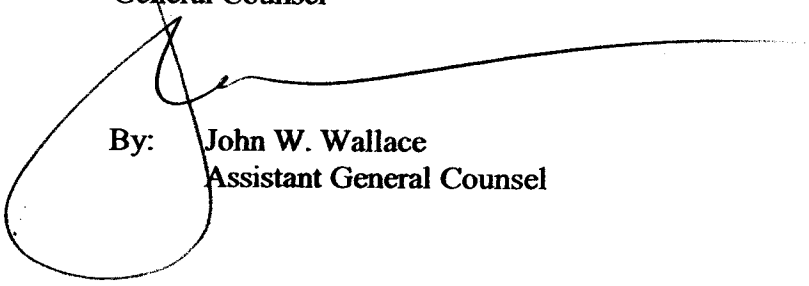
As you can see from the text of the statute, the unambiguous terms establish duties for the Office of the Secretary of State, and no other offices, local or otherwise. While the legislation is instructive in that it reflects the Legislature’s concern for the privacy of persons who participate in the political process by making contributions to candidates for elective office, it does not *mandate* any action by local city clerks such as you. Moreover, if you do post campaign statements on the internet, we cannot advise whether other laws or policies outside the Act restrict you.

Finally, when providing copies of campaign statements filed with your office to members of the public who request them, redacting information would be inconsistent with the requirements of section 81008(a) (set forth above).

If you have any other questions regarding this matter, please contact me at (916) 322-5660.

Sincerely,

Luisa Menchaca  
General Counsel

By:  John W. Wallace  
Assistant General Counsel

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